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September 30, 1999

Ms. Patricia Hick
Assistant Regional Counsel, Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway, 19th Floor - Room W-20
New York, N.Y. 10007-1866

Re: *Passaic River PRPs: Chris-Craft/ Montrose*

OCT 4 1999

Dear Pat:

Chemical Land Holdings, Inc. ("CLH") requests that EPA: (I) Follow-up with Chris-Craft regarding certain documents pertaining to DDT production mentioned in Chris-Craft's Second 104(e) response dated December 15, 1993; and (II) Issue 104(e) Requests to subsequent owners of the Chris-Craft facility, including IMC Chemical Group, Inc. and Chemical Waste Management, Inc. Addresses for these entities are provided herein. CLH requests that EPA pursue subsequent owners of the site due to Chris-Craft's allegation that many documents were not available because the operation was sold as a "going concern." The logical conclusion is that the documents were transferred to Sobin Chemicals, Inc./IMC Chemical Group, Inc., and possibly to the other subsequent owners mentioned herein.

By way of brief background, Montrose acquired the property located at 100 Lister Avenue as two discrete parcels, the eastern parcel in 1943 and the western parcel in 1952. The facility was sold to Sobin Chemicals, Inc. in 1974, and the facility was operated by Sobin and its corporate successor, IMC Chemical Group, Inc. from 1974-1977. Earthline Corporation acquired the facility in 1977 and Earthline Corporation was acquired by SCA Chemical Services, Inc. in 1979. In 1984, SCA was acquired by Chemical Waste Management, the present owner of the site. EPA has sent two 104(e) requests to Chris-Craft (January 1993 and December 1993). Chris-Craft presented the most strenuous objections to the 104(e) process of any of the PRPs that have received 104(e) Requests related to this site. Chris-Craft refused to supplement its answers,^{1/} refused to interview former employees, and refused to consult "every document in its possession" as required by the 104(e) Request.

^{1/} Chris-Craft's 104(e) Responses state that Chris-Craft's responses are based upon information known to Chris-Craft at this time. "Sections 104(e) and 3007 do not impose a continuing obligation on Chris-Craft to supplement its response if new or additional information comes to light." (Chris-Craft 104(e) Response, January 25, 1993, page 2; Chris-Craft Second 104(e) Response, December 15, 1993, page 2).

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- (I) Chris-Craft should provide documents related to DDT production on site.

Chris-Craft indicated that it had documents in its possession related to DDT production and offered to make those documents available to EPA. CLH hereby requests that EPA obtain these documents from Chris-Craft. Specifically, Chris-Craft stated, "Chris-Craft will provide [EPA] with copies of, certain historical documents which discuss DDT having been produced at the Site, but which do not discuss (1) the methods of such production, (2) the nature or amount of any wastes produced in connection with such production, or (3) the presence of 2,4,5-TCP or its pesticide derivatives, or of 2,3,7,8-TCDD at the Site." (Chris-Craft's Second 104(e) Response, page 4). CLH believes information related to DDT production at the Site is critical. CLH also believes it may be wise to send another 104(e) Request to be sure Chris-Craft provides any information discovered since the original requests in 1993.

- (II) EPA should send 104(e) Requests to subsequent owners of the 100 Lister Avenue Site.^{2/}

When asked to provide a description of the manufacturing processes for each chemical substance manufactured by Chris-Craft on site, Chris-Craft responded that "[b]ecause of the passage of time since Chris-Craft's or its predecessor's activities ended at the Site, and additionally because Chris-Craft **sold the Site, including any documents located there, as a going concern**, Chris-Craft lacks specific knowledge or information about the manufacturing processes used there." (Chris-Craft Second 104(e) Response, question 4(a), pages 5-6, *emphasis added*). Chris-Craft repeats this statement in response to question 6(b) indicating that it does not possess any diagrams of any waste water collection or disposal systems at the Site. In response to question 7(a)-(b), Chris-Craft indicates that it is not aware of information about the amounts of waste that were generated in connection with DDT, Lindane, and benzenehexachloride. Furthermore, Chris-Craft indicated in response to question 9 that "[b]ecause Chris-Craft sold the site, including any documents located there, as a going concern, to Chris-Craft's knowledge it does not possess any documents that relate both to the Site and to 2,3,7,8-TCDD." (Chris-Craft's Second 104(e) Response, question 9, pages 8-9).

to be followed by subsequent owners

^{2/} You may recall that this strategy worked particularly well on the AT&T/Lucent site. EPA sent a 104(e) Request to Riverside Development Corporation and the maps produced were very helpful in establishing direct discharges to the river during AT&T's tenure at the site.

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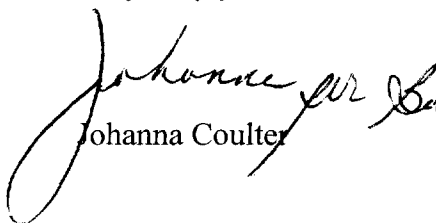
Given the potentially valuable information that Chris-Craft acknowledges was transferred to the next owner of the site, Sobin Chemicals, Inc., EPA should pursue this information from the subsequent owners:

Mr. C. Ray Holman ^{3/}
Chief Executive Officer-President
Mallinckrodt, Inc./IMC Chemical Group, Inc.
675 McDonnell Boulevard
St. Louis, MO 63134

Gregory T. Sangalis ^{4/}
Senior Vice president and General Counsel
Chemical Waste Management, Inc.
1001 Fannin Street, Suite 400
Houston, TX 77002

CLH requests EPA assistance with this effort in order to further understand discharges from the 100 Lister Avenue property and to gain additional PRP participation in the RI effort. Please contact me if you have any questions regarding the matter. Thank you for your assistance.

Very truly yours,


Johanna Coulter

cc: Mr. Rick McNutt

^{3/} IMC Chemical Group, Inc. is the corporate successor to Sobin Chemicals, Inc.

^{4/} Earthline Corporation acquired the facility for use as a chemical waste management facility. In 1979, Earthline was acquired by SCA Chemical Services, Inc. In 1984, SCA was acquired by Chemical Waste Management Inc., the present operator.